

UNITED STATES OF AMERICA  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

Postal Regulatory Commission  
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CHRISTOPHER S. SEARCY  
(COMPLAINANT)

AND

August 4, 2021

UNITED STATES POSTAL SERVICE, DANVILLE, KY  
POSTMASTER, in his/her professional capacity,  
CLARESSA THOMPSON, Supervisor, Customer Service,  
in her professional capacity  
(RESPONDANT)

Comes now the complainant, *pro se*, pursuant to 39 USC §§ 3662(a) and 403 (c) asserting that the United States Post Office in Danville, Kentucky has, by an ongoing suspension of mail delivery service to the complainant's mailbox, located upon complainant's front porch, violated a substantive property right by denying him his mail without due process, violated agency regulation and policy by failing to adhere to the Postal Services Universal Service obligation, and otherwise unfairly discriminated against him by denying mail service due to unfounded allegations that "...dogs in your neighborhood are considered to be a danger to your letter carrier."

**FACTS**

The complainant has lived at his present address, 421 East Lexington Avenue, Danville, KY for greater than four years. Complainant previously lived in Harrodsburg, KY (served by another USPS Office) for approximately twenty years. Complainant has a large German Shepard-Great Pyrenees mixed breed dog that is eleven (11) years old. Complainant has enjoyed delivery of mail at both addresses for the entirety of the life of his dog until approximately sixty days prior to the filing of this complaint, at which time, mail delivery was either sporadic, or did not occur at all. This failure of delivery was not accompanied by any notice or explanation by the Danville post office. Ultimately, complainant's wife, while awaiting delivery of a gift for her granddaughter, received a text from the vendor from whom she had ordered the gift that delivery had been attempted that morning, however, complainant had no mail in his mailbox. Complainant drove to the Danville

post office with his wife and, as it was a Saturday, knocked on the interior door located in the lobby of the office until an employee opened the door. Complainant asked for his mail and the employee, believed by the complainant to be a substitute carrier, very rudely explained that the post office closed at noon on Saturday and that complainant's mail was unavailable. The exchange continued until a person who identified herself as a supervisor appeared at the door and stated that there was a dog in the front yard, and that she had instructed the carrier not to deliver the mail if there was a dog in the yard. After the exchange with the less than friendly employees of the Danville post office that day, mail delivery to complainant's home ceased entirely, until August 2, 2021, when, in addition to normal letters and advertisements, a letter addressed "Postal Customer," was delivered to complainant's mailbox. Said letter requested that the complainant choose either to rent a post office box, or install a curbside receptacle and demanded response not later than 10 days from the date of the letter. At no time has the Danville Post Office provided any evidence of aggressive behavior of the complainant's dog and complainant avers that no evidence exists of complainant's dog attacking a human being or other animal.

### **STATEMENT OF THE CASE**

Complainant asserts that he, and any person or business that uses the United States Postal Service to send or receive letters, parcels, packages, or any other instrument, has a property right in both the items sent and the commerce conducted by the sending and receiving of those items. For the Postal Service, or any employee of the Postal Service to summarily quit, or direct another employee of the Postal Service to in any way impede<sup>1</sup>, the delivery of United States mail denies the customers of the USPS that property right in contravention of the Constitution of the United States, specifically the Fifth and Fourteenth Amendment prohibitions against the deprivation of property without due process. The Danville Post Office, by refusing to deliver complainant's mail and failing to provide the complainant with notice and an opportunity respond to that notice before denying complainant his property right, violated complainant's right to due process and violated the due process rights of any person or business that availed itself of USPS services in their attempt to send complaint any letter,

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<sup>1</sup> 18 USC § 1701 describes this conduct as criminal in nature.

package, parcel or other instrument.<sup>2</sup> *Armstrong v. Manzo*, 380 U.S. 545, 552, 85 S.Ct. 1187, 1191, 14 L.Ed.2d 62 (1965). *Goldberg v. Kelly*, 397 U.S. 254 90 S.Ct.101125 L.Ed.2d 287 (1970).

The United States Postal Service adheres to a Universal Service Obligation that the agency describes as “...a hodgepodge of various legal requirements and regulations... which establishes what mail services the Postal Service must provide...” and that these regulations are, “... designed to ensure that everyone can send and receive mail at a reasonable price.”<sup>3</sup> As an operation of law, agencies are bound by their policies. *Accardi v. Shaughnessy*, 347 US 260 (1954). In the instant matter, the Danville Post Office has abrogated the responsibility of the Postal Services Universal Service Obligation by arbitrarily denying the complainant delivery of his mail. Further, complainant asserts that the Postal Service has offered no proof that there exists any legitimate reason to suspend or terminate delivery of his mail to his home.

### **CONCLUSION**

Complainant has lived at his present location for greater than four years, in the company of his dog and other family members. Complainant has never knowingly caused any employee of the United States Postal Service to be concerned about entering upon his property for the purposes of mail delivery or other official business. Until recently, complainant has regularly received mail and other deliveries from other carriers (UPS, FedEx) and has never suffered complaint about the conduct of his dog. In the recent conduct by certain employees of the Danville Post Office the complainant has been harmed by their deliberate refusal to provide services normally provided other customers: Complainant avers that the actions taken by certain employees of the Danville Post Office have deprived him of substantive rights, violated agency policy and regulation, and otherwise discriminated against him. Complainant prays that the Commission will so find, order that his home mail delivery be resumed and any other discriminatory practices on the part of the Danville, Kentucky Post Office be

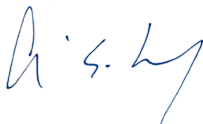
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<sup>2</sup> Complainant is a disabled veteran who depends upon USPS for delivery of medicines from the nearest Department of Veterans Affairs Hospital pharmacy.

<sup>3</sup> US Postal Service Inspector General website.

stopped. Further, complainant prays the Commission will order the Danville Post Office to maintain *status quo ante* during the pendency of these proceedings.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "C. S. Searcy".

Christopher S. Searcy